IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 223 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DILIPBHAI NARANBHAI MORI

Versus

NARANBHAI VAJIBHAI

Appearance:

1. Misc.Civil Application No. 223 of 2002

MR KISHOR M PAUL for Petitioner No. 1

RULE UNSERVED for Respondent No. 1

MS ROOPAL R PATEL for Respondent No. 2

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 02/05/2002

ORAL JUDGEMENT

1. Heard Mr. Paul for the applicant - original claimant and Ms.Roopal R.Patel, learned advocate, who appeared for respondent No.2 - Gujarat State Road Transport Corporation. The application against driver opponent No.1 is already dismissed. During hearing I was taken through the application and the documents attached thereto and the claim application filed by the applicant before the M.A.C.Tribunal, Surendranagar being M.A.C.P.No.349/91 against the respondent Corporation. It is the submission of Mr.Paul that the applicant is residing at village Divali, Taluka Kodinar, District Veraval and due to accident, which has occurred within the jurisdiction of Surendranagar, a claim petition was filed for damages in respect of the vehicle, before the M.A.C.Tribunal, Surendranagar. As found from the application that though the claim application was filed in the year 1991, the same has yet not proceeded further and the same is pending before the Tribunal and the applicant had to attend the said Tribunal at Surendranagar while leaving his business and inspite of that, no progress has been made by the Tribunal in respect of his claim petition. It is unfortunate that the claim petition of 1991 is pending till date. As the applicant is residing at village Divali, Taluka Kodinar, District Veraval and there is a Tribunal situated at Veraval and to avoid further expenses to attend the Tribunal at Surendranagar, this court is of the view that the Claim Petition filed by the applicant, which is pending before the M.A.C.Tribunal at Surendrangar, is required to be transferred to M.A.C.Tribunal at Veraval. Accordingly, M.A.C.Tribunal at Surendranagar is directed to forthwith transmit the Claim Petition being M.A.C.Petition No.349/91 pending before him filed by the applicant in favour of the M.A.C.Tribunal at Veraval and the M.A.C.Tribunal at Veraval is directed that in view of the fact that the claim application is pending since 1991,he will take the said application on hand and decide the same in accordance with law, as expeditiously as possible. Rule is made absolute accordingly with no order as to costs.

(D.K.Trivedi,J)

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